

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

GERROD HERNDON,
Petitioner,

v.

SAN RAFAEL P. D., et al.,
Respondents.

Case No. [23-cv-04669-TLT](#)


**ORDER OF DISMISSAL;
DENYING CERTIFICATE OF
APPEALABILITY**

Petitioner, a former state prisoner currently at All Saints Extended Care, an assisted living facility in San Rafael, California, filed a petition for writ of habeas corpus. ECF 1. That same day, the Clerk of the Court informed petitioner that this action was deficient because he had not submitted a non-prisoner *in forma pauperis* (IFP) application or paid the filing fee. ECF 2. The Court informed petitioner that he needed to correct the deficiencies within twenty-eight days from the date of the notice to avoid dismissal of this petition. *Id.* The deadline has passed, and petitioner has not submitted the required documents or paid the \$5 filing fee. Petitioner submitted a trust account statement but not the IFP form. ECF 3.

The Court therefore DISMISSES this petition without prejudice. Petitioner has failed to make a substantial showing that a reasonable jurist would find this court's dismissal of the petition debatable or wrong. *Slack v. McDaniel*, 529 U.S. 473, 484 (2000). Consequently, no certificate of appealability is warranted in this case. The clerk shall enter judgment and close the file.

IT IS SO ORDERED.

Dated: December 13, 2023


TRINA L. THOMPSON
United States District Judge